THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.4909 of 2007

12-03-2007

Between:-

Sri Balaji Godowns, Near MG Auto Nagar,
Modameedapalli village,
Kothapally Grampanchayat,
Proddatur mandal, Kadapa district, rep., by
Its Managing Partner B. Naga Raja.

Petitioner

And

The District Collector (Civil Supplies),
Kadapa, Kadapa district

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4909 of 2007

Oral order:

A huge quantity of pulses – 11,812 quintals of Bengal Gram; 1134 quintals of Red Grams; 217.50 quintals of Cow pea and 150 quintals of Horse Gram were found stored in the petitioner's godown on an inspection by the Civil Supplies Enforcement Unit, Tirupathi, on 19-02-2007. The stocks were seized under a mediator's report on an allegation that the petitioner was carrying on business and had purchased and stored the scheduled commodities without a license under the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing and Distribution) Order, 1982 (for short 'the Control Order'), which is in force.

By the impugned order dated 27-02-2007, the first respondent ordered interim disposal of the seized commodities in purported exercise of power and authority under Section 6A (2) of the Essential Commodities Act, 1955 (for short 'the Act'). The first respondent has failed to record the requisite satisfaction and opinion as mandated by the provisions of Section 6A (2) of the Act.

A similar issue came to be considered by this court and the applicable principles were laid down in the judgment dated

27-02-2007, in W.P.No. 3761 of 2007.

For reasons alike, as recorded in W.P.No. 3761 of 2007 dated 27-02-2007, the first respondent's order dated 19-02-2007 is set aside. The first respondent is however at liberty to pass a fresh order in accordance with law and the principles and observations recorded in W.P.No. 3761 of 2007. Till a fresh order is passed in accordance with law, the first respondent shall not direct interim disposal of the seized commodities.

The writ petition is allowed as above, at the stage of admission after hearing the learned Government Pleader for Civil Supplies. No costs.

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GODA RAGHURAM, J

Dated:12-03-2007
Pvks/*

Nb: Furnish c.c. in three days.
B/o pvks/*